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STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			PATEL, HARESH N	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/836,222

Applicant(s)

NAKAGAWA, YOSHIHIRO

Examiner

Haresh Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-8 are presented for examination.

#### *Response to Arguments*

2. Applicant's arguments filed 3/21/2005 have been fully considered but they are not persuasive. Therefore, rejection of claims 1-8 is maintained.

Applicant argues, (1) "cited reference, Turner et al. US Publication 2003/0177030, Sep 18, 2003 (Hereinafter Turner), does not disclose or suggest or teach the amended claimed subject matter, i.e., "the information disclosure procedure customized by each user", that enables access to information in accordance with an information disclosure procedure previously defined or customized by the individual. That is, the information disclosure procedure of the present invention is enabled to be customized by each individual user so that each of the individual users prescribes what information is to be disclosed with what information disclosure procedure". The examiner respectfully disagrees in response to applicant's arguments. The limitations, "the information disclosure procedure customized by each user", has been newly added, which is addressed by the new ground(s) of rejection (please refer to the below rejections of this office action). Therefore, the rejection is maintained.

Applicant argues, (2) "cited reference, Turner does not disclose or suggest or teach the claimed subject matter, i.e., "an information disclosure procedure according to each rank within each individual assigned by each individual", and executing "an information disclosure procedure stored in the disclosure procedure storing section that matches an information disclosure procedure corresponding to a rank of the information on the specific individual of

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which disclosure request has been received”. The examiner respectfully disagrees in response to applicant's arguments. The limitations, “an information disclosure procedure according to each rank within each individual assigned by each individual”, and executing “an information disclosure procedure stored in the disclosure procedure storing section that matches an information disclosure procedure corresponding to a rank of the information on the specific individual of which disclosure request has been received”, along with the amended limitations is also addressed by the new ground(s) of rejection (please refer to the below rejections of this office action). Therefore, the rejection is maintained.

Applicant argues, (3) “cited reference, Turner and Platenghe EP 0950872 (Hereinafter Platenghe) does not disclose or suggest or teach the claimed subject matter, i.e., “an information disclosure procedure at a normal time for each individual assigned by each individual, and an information disclosure procedure at an emergency time for each individual assigned by each individual”. The examiner respectfully disagrees in response to applicant's arguments. The limitations, “an information disclosure procedure at a normal time for each individual assigned by each individual, and an information disclosure procedure at an emergency time for each individual assigned by each individual”, along with the amended limitations is also addressed by the new ground(s) of rejection (please refer to the below rejections of this office action). Therefore, the rejection is maintained.

Applicant argues, (4) “cited reference, Turner et al. US Publication 2003/0177030, Sep 18, 2003 (Hereinafter Turner), does not disclose or suggest or teach the new claimed subject matter of claim 8, i.e., “allowing each of the users to define an information disclosure procedure necessary to access respective information of each of the users” and “transmitting information of

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a specific user responsive to an input of an information disclosure procedure that matches the defined information disclosure procedure specific to the user". The examiner respectfully disagrees in response to applicant's arguments. The limitations, "allowing each of the users to define an information disclosure procedure necessary to access respective information of each of the users" and "transmitting information of a specific user responsive to an input of an information disclosure procedure that matches the defined information disclosure procedure specific to the user", has been newly added, which is addressed by the new ground(s) of rejection (please refer to the below rejections of this office action). Therefore, the rejection is maintained.

### ***Response to Amendment***

3. The amendment filed 3/21/2005 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

- a) claim 1, additional limitations, "the information disclosure procedure being customized by each user", "the customized information disclosure procedure".
- b) claim 8, newly presented limitations, "allowing each of the users to define an information disclosure procedure", "an input of an information disclosure procedure that matches the defined information disclosure procedure".

Applicant is required to cancel the new matter, to avoid abandonment of this application, in the reply to this Office Action.

### *Claim Objections*

4. Claims 2-7 are objected to because of the following informalities:

Claims 2-7 mention, “An individual information managing device according to claim”, which should be “The individual information managing device according to claim”.

Claim 4, “,” should be “;” before “in a posting procedure”.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1 and 8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art to use and/or make the invention.

6. The specification does not contain subject matter to implement limitations, “the information disclosure procedure being customized by each user”, “the customized information disclosure procedure”, as cited in claim 1. The specification, page 2, clearly states, “The individual information managing device of the present invention stores in advance an information disclosure procedure assigned for each individual by each individual”. Also, a

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single individual can customize a single procedure. Multiple individuals modifying the single procedure would no longer remain customized to each individual.

7. The specification does not contain subject matter to implement limitations, “allowing each of the users to define an information disclosure procedure”, “an input of an information disclosure procedure that matches the defined information disclosure procedure”, as cited in claim 8. The specification clearly states, “The individual information managing device of the present invention stores in advance an information disclosure procedure assigned for each individual by each individual”. Also, a single individual can define a single procedure. Multiple individuals modifying the single procedure would no longer remain defined to each individual.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

8. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Claim 1 recites the limitations, “the customized information disclosure procedure of the specific individual stored”, “the information”, “the individual”. There is insufficient antecedent basis for this limitation in the claim. Since, multiple “information” and “individual” exist in the claim, it is not clear which “information” and “individual” is referred by the limitations in the claim.

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10. Claim 2 recites the limitations, “the arrangement that each individual assigns a rank to each of the pieces of information that constitute the individual information”, “the information”, “the individual”, “the disclosure procedure storing section that matches an information”. There is insufficient antecedent basis for this limitation in the claim. Since, multiple “information” and “individual” exist in the claim, it is not clear which “information” and “individual” is referred by the limitations in the claim.

11. Claim 3 recites the limitations, “the disclosure procedure storing section that matches an information”. There is insufficient antecedent basis for this limitation in the claim.

12. Claim 4 recites the limitations, “the individual information”, “the posting procedure to the specific individual”, “the information”, “the individual”. There is insufficient antecedent basis for this limitation in the claim. Since, multiple “information” and “individual” exist in the claim, it is not clear which “information” and “individual” is referred by the limitations in the claim.

13. Claim 5 recites the limitations, “the authentication procedure of the specific individual stored”. There is insufficient antecedent basis for this limitation in the claim.

14. Claim 6 recites the limitations, “the authentication procedure of the specific individual stored”, “the disclosure request posting section”. There is insufficient antecedent basis for this limitation in the claim.

15. Claim 7 recites the limitations, “the right of proceeding with an information disclosure procedure”, “the information”, “the individual”, “the authorized person to whom the right of proceeding”. There is insufficient antecedent basis for this limitation in the claim. Since,



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multiple “information” and “individual” exist in the claim, it is not clear which “information” and “individual” is referred by the limitations in the claim.

16. Claim 8 recites the limitations, “specific to the user”. There is insufficient antecedent basis for this limitation in the claim. Since, multiple users exist in the claim, it is not clear which user is referred by the limitations in the claim.

***Claim Rejections - 35 USC § 102***

17. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

18. Newly presented claim 8 is rejected under 35 U.S.C. 102(e) as being anticipated by Alisuag 2002/0083192 (Hereinafter Alisuag).

19. As per claim 8, Alisuag clearly disclose a method (e.g., paragraph 9, col., 1) for managing information of users (e.g., clients, figure 3, paragraph 9, col., 1) using an information managing device (e.g., usage of servers, figure 3) connected with a network (e.g., usage of internet, figure 3), comprising:

storing information (e.g., usage of memory, paragraph 12, col., 1) of the users (e.g., clients, figure 3, paragraph 9, col., 1) in association with information disclosure items (e.g., usage of fingerprints, passcode etc., paragraph 12, col., 1);

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allowing each of the users (e.g., clients, figure 3, paragraph 9, col., 1) to define an information disclosure procedure (e.g., usage of fingerprint reader etc., paragraph 9, col., 1) necessary to access respective information (e.g., medical information, figure 5) of each of the users (e.g., clients, figure 3, paragraph 9, col., 1); and

transmitting information (e.g., paragraph 11, col., 1) of a specific user (e.g., clients, figure 3, paragraph 9, col., 1) responsive to an input of an information disclosure procedure (e.g., figure 2, col., 12, col., 1) that matches the defined information disclosure procedure (e.g., col., 12, col., 1) specific to the user (e.g., patient specific authentication information, figure 2).

20. Newly presented claim 8 is rejected under 35 U.S.C. 102(e) as being anticipated by Black, 6,539,101 (Hereinafter Black).

21. As per claim 8, Black clearly disclose a method (e.g., paragraph 18, col., 2) for managing information of users (e.g., paragraph 17, col., 2) using an information managing device (e.g., figure 1B) connected with a network (e.g., paragraph 10, col., 1, paragraph 18, col., 2), comprising:

storing information (e.g., usage of memory, paragraph 121, col., 9) of the users (e.g., paragraph 17, col., 2) in association with information disclosure items (e.g., usage of fingerprints, voiceprint etc., paragraph 11, col., 1, paragraph 109, col., 9);

allowing each of the users (e.g., paragraph 17, col., 2) to define an information disclosure procedure (e.g., paragraph 28, col., 3) necessary to access respective information (e.g., paragraph 26, col., 3) of each of the users (e.g., paragraph 17, col., 2); and

transmitting information (e.g., paragraph 10, col., 1, paragraph 18, col., 2) of a specific user (e.g., paragraph 17, col., 2) responsive to an input of an information disclosure procedure (e.g., paragraphs 26, 27, col., 3) that matches the defined information disclosure procedure (e.g., paragraph 21, col., 2) specific to the user (e.g., paragraph 17, col., 2).

***Claim Rejections - 35 USC § 103***

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. Claims 1, 2, 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turner in view of Walker et al., 6,302,844 (Hereinafter Walker) and Alisuag.

24. As per claim 1, Turner discloses an individual information managing device (e.g., col.,2, paragraph, 0022) connected to a communication line network (e.g., col.,2, paragraph, 0022), for managing individual information (e.g., col., 2 paragraph 22 – col., 3 paragraph 30) the device comprising:

an individual information storing section in which information (e.g., paragraph, 0022) and information disclosure items (e.g., col.,2, paragraph, 0022), on each individual has been registered (e.g., col.,2, paragraph, 0022),

a disclosure procedure storing section in which an information disclosure procedure assigned for each individual by each individual has been registered; and (e.g., col., 2 paragraph 22 – col., 3 paragraph 30),

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a disclosure procedure executing section (e.g., col., 2, paragraph, 19, paragraph, 23, col., 2) that receives a request for disclosing information on a specific individual through the communication line network (e.g., usage of server 12 for information management, col., 2, paragraph, 19, paragraph, 23, col., 2),

executes an information disclosure procedure (e.g., figure 8, paragraph, 42, col., 5) that matches the information disclosure procedure of the specific individual stored in the disclosure procedure storing section (e.g., figure 8, paragraph, 42, col., 5),

and transmits the information on the specific individual (e.g., col., 2, paragraph, 0022) and the information disclosure items registered for the specific individual (e.g., col., 2, paragraph, 0022) to the communication line network toward the information requesting origin when the information disclosure procedure has been satisfied (e.g., paragraph, 24, col., 2).

However, Turner does not specifically mention about having customized information for specific individual.

Walker discloses the concept of having customized information for specific individual (e.g., patient preference ranking related to the patient record, col., 14, lines 1 – 14).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Turner with the teachings of Walker in order to facilitate usage of customized information for specific individual because the customized information would support providing service to the individual based on the individual's needs.

However, Turner and Walker do not specifically mention about the procedure being provided by each user.

Alisuag discloses the concept of the procedure being provided by each user (e.g., paragraph 12, col., 1, different user providing information, and usage of passcode if patient is conscious, usage of fingerprint if patient is unconscious, figures 1-3 and 5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Turner and Walker with the teachings of Alisuag in order to facilitate the procedure being provided by each user because the procedure would support providing service to the user based on each user needs. The information related to the procedure would enhance managing information for the individual.

25. As per claim 2, Turner, Walker and Alisuag disclose the claimed limitations as disclosed above. Turner also discloses the individual information storing section is registered with each individual information that consists of a plurality of ranked pieces of information for each individual (e.g., figures 1 and 3), based on the arrangement that each individual assigns a rank to each of the pieces of information that constitute the individual information from among a, plurality of ranks (e.g., figures 1 and 3),

the disclosure procedure storing section is registered with an information disclosure procedure according to each rank within each individual assigned by each individual (e.g., figures 1 and 3), and the disclosure procedure executing section receives a request for disclosing information on a specific individual (e.g., figure 3), and executes an information disclosure procedure stored in the disclosure procedure storing section that matches an information disclosure procedure corresponding to a rank of the information on the specific individual of which disclosure request has been received (e.g., col., 2, paragraph, 19).

26. As per claim 4, Turner, Walker and Alisuag disclose the claimed limitations as disclosed above. Turner also discloses the disclosure procedure storing section is registered with a posting procedure assigned by each individual for posting to an individual (e.g., col., 4 paragraph 36 – col., 5 paragraph 39), as a part of an information disclosure procedure for each individual, the disclosure procedure executing section has a disclosure request posting section that receives a request for disclosing information on a specific individual (e.g., col., 4 paragraph 36 – col., 5 paragraph 39), posts to the specific individual that there has been a request for disclosing the individual information, in a posting procedure that matches the posting procedure to the specific individual stored in the disclosure procedure storing section (e.g., col., 4 paragraph 36 – col., 5 paragraph 39), and receives an approval for the information disclosure from the individual who has received this posting (e.g., col., 4 paragraph 36 – col., 5 paragraph 39), and the disclosure procedure executing section receives an approval for the information disclosure from the disclosure request posting section, and further proceeds with the information disclosure procedure (e.g., paragraph, 8, FIG. 6, FIG. 7, col., 4 paragraph 36 – col., 5 paragraph 39).

27. As per claims 5 and 6, Turner, Walker and Alisuag disclose the claimed limitations as disclosed above. Turner also discloses the disclosure procedure storing section is registered with an authentication procedure assigned by each individual for authenticating each individual (e.g., paragraph, 25, col., 2) as apart of an information disclosure procedure for each individual, the disclosure procedure executing section has an authenticating section that receives a request for disclosing information on a specific individual (e.g., paragraph, 25, col., 2) and authenticates the

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specific individual an authentication procedure that matches the authentication procedure of the specific individual stored in the disclosure procedure storing section (e.g., paragraph, 25, col., 2), after the disclosure procedure executing section has received an approval for the information disclosure of the specific individual from the disclosure request posting section (e.g., paragraph, 25, col., 2).

28. As per claim 7, Turner, Walker and Alisuag disclose the claimed limitations as disclosed above. Turner also discloses the disclosure procedure storing section can be freely registered with an authorized person to whom the right of proceeding with an information disclosure procedure on behalf of the individual has been transferred for each individual (e.g., col., 3, paragraph, 26), the disclosure procedure executing section receives a request for disclosing information on a specific individual (e.g., col., 3, paragraph, 26), and executes an information disclosure procedure of the specific individual stored in the disclosure procedure storing section that matches the information disclosure procedure of an authorized person as a procedure for disclosing the information on the specific individual (e.g., col., 3, paragraph, 26), when the disclosure procedure storing section has been registered with the authorized person to whom the right of proceeding with the information disclosure procedure on behalf of the individual has been transferred (e.g., col., 3, paragraph, 26).

29. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Turner in view of Platenghe, Cris. T European patent application, EP 0950972, 4/14/1999 (Hereinafter Platenghe) and Walker and Alisuag.

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30. As per claim 3, Turner, Walker and Alisuag disclose the claimed limitations as disclosed above. Turner also discloses the disclosure procedure storing section is registered with an information disclosure procedure at a normal time for each individual assigned by each individual (e.g., paragraph, 23).

Turner does not specifically mention about handling a request at an emergency time.

Platenghe discloses an information disclosure procedure at an emergency time for each individual assigned by each individual (e.g., abstract, col., 3, lines 12 - 48), the disclosure procedure executing section receives a request for disclosing information on a specific individual (e.g., abstract, col., 3, lines 12 - 48), with attached information for identifying a normal time and an emergency time (e.g., abstract, col., 3, lines 12 - 48), and executes an information disclosure procedure of the specific individual stored in the disclosure procedure storing section that matches the information disclosure procedure at a normal time or the information disclosure procedure at an emergency time (e.g., abstract, col., 3, lines 12 - 48), depending on whether the disclosure request belongs to the normal time or the emergency time (e.g., abstract, col., 3, lines 12 - 48).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Turner, Platenghe, Walker and Alisuag in order to facilitate handling of request at an emergency time because the handled request handled by an individual would to support accessing the information of an individual during the emergency time. The support of individual for providing necessary help in emergency situations would benefit of having necessary information for managing individual information.



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***Conclusion***

31. The prior art made of record (forms PTO-892 and applicant provided IDS cited arts) and not relied upon is considered pertinent to applicant's disclosure.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Haresh Patel

June 17, 2005

  
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